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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) CASE NO. 3:15-CR-582 WHO
13)
14 Plaintiff,) **UNITED STATES' SUPPLEMENTAL
15 v.) OPPOSITION TO DEFENDANT'S MOTION IN
16 ADAM SHAFI,) **LIMINE TO EXCLUDE EVIDENCE RELATING
17 Defendant.) **TO CONTACT WITH ARMIN HARCEVIC******

18 On July 23, 2018, the defendant filed motions *in limine* to prevent the government from
19 offering evidence relating to the defendant's contact with an individual named Armin Harcevic, in
20 particular a meeting that the defendant had with Harcevic while Harcevic was in federal custody
21 awaiting trial on material support charges. Docket No. 224 at pg. 13. This Court issued a tentative
22 ruling indicating that it would deny that motion. Docket No. 245. At a hearing on jury selection matters
23 last Friday, the defendant renewed his motion to exclude the Harcevic-related matters. The Court
24 instructed the government to outline the potential evidence relating to Harcevic and its relevance to the
25 charges against the defendant.

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28 U.S. SUPPLEMENTAL OPP.

1 The evidence relating to Harcevic consists of the following:

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- 3 • Between December 1 and December 21, 2014, there were 10 calls between the
defendant's telephone and a telephone number associated with an individual named Haris
Harcevic. Haris Harcevic is believed to be the brother of Armin Harcevic.
- 4 • On February 26, 2015, the defendant texted A.N. advising that some individuals had
offered to post their homes as bail for Armin Harcevic.
- 5 • On March 5, 2015, the defendant texted A.N. and advised that the "district attorney" had
refused Harcevic's bail conditions.
- 6 • On March 12, 2015, the defendant searched for Armin Harcevic on Google.
- 7 • On March 15, 2015, the defendant visited Armin Harcevic in jail. It appears from the
content of the meeting that the defendant and Harcevic previously knew each other. The
two also discussed Harcevic's living conditions in jail.
- 8 • On June 20, 2015, the defendant exchanged the following texts with S.K.:
 - 9 ○ A.S. - "Dude, Armin is still in jail. What the hell are we doing"
 - 10 ○ S.K. - "What can we do"
 - 11 ○ A.S. - "Idk. But this isn't right. How can I enjoy anything while he's locked up in a
cage"
 - 12 ○ S.K. - "I don't enjoy", "Anything"
 - 13 ○ A.S. - "Me 2", "dude he's in a freaking cage", "We Have to do something",
"Honestly sometimes feel like if there's really nothing I can do I just rather be
with him in the cage", "at least he won't be alone"
 - 14 ○ S.K. - "U think they would put u in the same cage", "Loll.."
 - 15 ○ A.S. - "EVen if it's not the same cage, at least I'll be going through what he's going
through instead of just eating my fancy meals and sleeping in my fancy house
while he's in a cage", "If there's nothing I can do, then that's what I should do iA",
"that would make me feel better dying like that instead of like this"
 - 16 ○ S.K. - "Burma"
 - 17 ○ A.S. - "That works too"
- 18 • On July 3, 2015, during the defendant's arrest, the defendant commented that Harcevic
was a friend of his, and asked if he was out of jail yet.

19 The government submits that the above-described evidence demonstrates consciousness of guilt
on the part of the defendant, insofar as his meeting with Harcevic helps prepare him for the possibility
that he may have to be in custody as a result of his actions. Moreover, the June 20 texts are relevant to
prove intent, as it appears that the defendant was at least partly motivated to "do something" because
"Armin is still in jail... in a freaking cage." Particularly relevant is the fact that immediately after the
defendant suggests to S.K. that he would feel better going to jail, "dying like that instead of like this,"
S.K. suggests "Burma" as an another possibility, to which the defendant replied, "that works too." As
the Court is aware, S.K. on several occasions suggested Burma as an alternative destination to the
defendant, instead of going to Syria. In short, the defendant himself equates Harcevic's custody with a

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28 U.S. SUPPLEMENTAL OPP.

1 reason for traveling.

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5 DATED: August 27, 2018
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Respectfully submitted,

ALEX G. TSE
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